



# Lansing Police Department Manual

Mike Yankowski, Chief of Police

## 600.63 — BODY WORN CAMERA

Operational Procedure

Effective Date: 3/10/2016

Rescinds: New

### PURPOSE

The purpose of this procedure is to establish guidelines for the operation, use and management of Departmental body worn camera devices. The Department is providing body worn camera devices for officer protection and to: supplement written police reports; collect evidence; document officer activity; provide future training aids; facilitate investigation and provide feedback as to the device and its functioning.

### POLICY

Officers will be assigned a body worn camera and use the equipment as intended.

### GOALS

- To foster an environment that ensures civility and respect between the community and the LPD, improves transparency, and reduces liability.
- Body-worn cameras will be utilized to:
  - Collect evidence for use in the prosecution of criminal offenses;
  - Record contacts with the public to secure additional evidence in connection with criminal and internal investigations;
  - Allow for supervisory review to ensure that Departmental policies and procedures are followed;
  - Capture footage that will be useful for training officers;
  - Protect officers from false claims of misconduct;
  - Protect citizen privacy rights;
- To improve behavior by all individuals during police/citizen encounters.

### DEFINITIONS

- **Body-Worn Camera (BWC):** A camera system designed to be worn by police officers to capture Digital Multimedia Evidence.
- **Digital Multimedia Evidence:** All digital recordings captured by a body-worn camera, including but not limited too; audio, video, photographs, and any associated metadata.
- **Metadata:** Digital identifiers that are captured as a part of an actual recording, such as date/time, GPS coordinates, labeling, etc.

## OPERATIONAL GUIDELINES

- Training

- Prior to utilizing a body-worn camera officers will receive Department approved training on its proper operation and the Department's policy with respect to body-worn camera use.
- Additional updates will be provided to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.

- Use and Care of Equipment

- Officers will exercise reasonable care in the use of the body-worn cameras and related equipment to ensure proper functioning.
- Officers will report malfunctions of cameras or related equipment to their supervisor as soon as possible so that a replacement unit may be assigned.
- Officers will inspect and test body-worn cameras prior to each shift to verify proper functioning, and will notify their supervisors of any problems.
- Officers immediately upon discovery that a body-worn camera has been lost, destroyed, or damaged will inform their supervisor.
- Officers will wear body-worn cameras on their outer-most garment and above the mid-line of their torsos, in positions designed to produce effective recordings.
- Officers will not use personally owned body-worn cameras while on duty.

- Operation

- Officers will activate body-worn cameras during contact with the public to accomplish the goals of this policy as outlined above. This includes but is not limited to arrest situations, calls for service, field interrogations, vehicle stops, prisoner transports, investigative activity, or any other duty-related official contacts with the public. When within schools or hospitals and engaged in police activities, officers will initiate normal recording as outlined above.
- Once activated, officers will not deactivate the body-worn camera system until he or she has disengaged contact with a witness, complainant, victim, or suspect, subject to the following exceptions:
  - De-activation is approved by a supervisor;
  - When recording an event will compromise the safety of a civilian or an officer; or
  - When an officer is interacting with a member of the public in a matter of an exceedingly sensitive or private nature, including but not limited to the following:
    - An informant providing intelligence of criminal activity.
    - Death notifications.
    - Interviews of victims of suspected criminal sexual conduct, at their request.

- Body-worn cameras will not be used to record:

- Communications with other police personnel;
- Encounters with undercover officers or informants;
- When an officer is on break, vehicle maintenance, court and other activities not outlined in (See lines 26-45);
- Communications made in any location where an individual has a heightened expectation of privacy, unless responding to a call for service;

- Communications to or from individuals with whom an officer has a privileged relationship, such as spouses, attorneys, labor representatives, and medical care providers.

- When a body-worn camera is not activated or an entire contact is not recorded, the officer will document the reasons on the BCW device and daily log if the BWC is dysfunctional.
- Officers will not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior written approval of the Chief of Police or his/her designee.
- All files from body-worn cameras will be securely uploaded no later than the end of the officer's shift. Each file will contain information related to the date, body-worn camera identifier, and assigned officer.
- The BWC equipment, all data, images, video, and metadata captured, recorded, or otherwise produced by this equipment is the sole property of the agency.

#### Review of Recordings

- Officers may review recordings from their own assigned body-worn cameras at any time in connection with their official duties and are encouraged to review such recordings as necessary to refresh memory and ensure accuracy of reports.
- Command officers may review body-worn camera recordings, in their discretion in support of the goals of this procedure.
- Other sworn or civilian employees may review body-worn camera recordings when necessary to their assigned job functions.
- No other review of body-worn camera recordings will be allowed without express written permission of the Chief of Police or his/her designee.

#### Retention and Destruction of Recordings

- Body-worn camera equipment and all data, images, video, and metadata captured, recorded or otherwise produced by the equipment are the property of the City of Lansing.
- All files from body-worn cameras will be securely stored in accordance with State law and City of Lansing policies. Such stored files will not be kept longer than is reasonably necessary for use in investigations or prosecutions (including appeals); for use in resolving civil claims and/or civil actions; for internal disciplinary investigations, or as useful for police training. In capital offense prosecutions, files will be kept until the alleged offender is no longer under the control of a criminal justice agency.
- Digital multimedia evidence that is untagged as evidence will be auto-purged at 30 days. Digital multimedia evidence that is tagged as evidence will remain stored up to 42 months or retained and or destroyed pursuant to State of Michigan approved retention schedules or retention schedules developed pursuant to the City of Lansing retention schedules and as approved by the State of Michigan Office of the Great Seal.
- Release of stored digital multimedia evidence to the public is subject to the requirements of State law, including the Freedom of Information Act, MCL 15.231, et seq., City of Lansing Administrative Policies, and the LPD FOIA procedures.
- Requests for the deletion of portions of a recording from a body-worn camera (e.g., in the event of a privileged or personal recording) must be submitted in writing to the Chief of Police or his/her designee and will not be granted unless permitted by State law or approved retention schedules.

141 Prohibited Conduct

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- 143 • Employees will not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any
- 144 manner body-worn camera images and information except as authorized by this policy, by
- 145 LPD policy or procedure, or without the prior written approval of the Chief of Police or
- 146 his/her designee.
- 147 • The use of body-worn cameras, all data, images, video and metadata captured, recorded or
- 148 otherwise produced by the equipment for any purpose other than in accordance with this
- 149 policy is prohibited.
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151 **OTHER CONSIDERATIONS**

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153 This policy does not increase liability for the City of Lansing or its employees in any way. It will not

154 be construed as the creation of a higher standard of safety or care in any sense, evidentiary or

155 otherwise, with respect to third party claims insofar as the employer's or employee's respective

156 legal duties as imposed by law. This policy does not vest any third-party rights that would not exist

157 independent of this policy.





# Lansing Police Department Manual

Mike Yankowski, Chief of Police

## 600.60 — USE OF LESS LETHAL WEAPONS

Operational Procedure

Effective Date: 03/2018

Rescinds: 10/2017, 06/2011

### PURPOSE

To establish procedures for the use and carry of Less Lethal Weapons.

### POLICY

Officers in performance of law enforcement responsibilities may use only the weapons, restraints, and ammunition authorized by this Department. This applies to both on-duty and off-duty incidents. Department issued weapons must be inspected and approved by a qualified and Department approved weapons instructor armorer before issue. Only those officers trained and/or certified may possess and use authorized devices. The decision to use a Less Lethal Weapon is a response to resistance issue that must be "objectively reasonable" as set forth in Operational Procedure [600.7 Response to Resistance](#).

### COMMUNICATION INTERVENTION

- Officers will attempt to de-escalate the situation through verbal or non-verbal communication.
- Officers will attempt to identify him or herself as a police officer and issue a verbal warning before using Less Lethal Force.
- Verbal warnings or commands are not required in situations where the officer reasonably believes the conditions would place the safety of the officer or another person in jeopardy.

### USE OF LESS LETHAL WEAPONS

- A Less Lethal Weapon is any authorized Department issued weapon, other than a firearm, that when deployed, is less likely to cause serious or fatal injury, to include, but not limited to Oleoresin Capsicum Spray (OCS), Aerosol Subject Restraint (ASR), Impact Weapons (IW), Conductive Energy Weapons (CEW), and 40mm Impact Rounds, and Flashlight.
- Less Lethal Weapons may be utilized in situations including but not limited to the following:
  - To prevent the escape from custody or to effect an arrest of a person who the officer reasonable believes has committed an offense unless the officer knows that the arrest is unauthorized; or
  - to defend him/herself or another person from what the officer reasonably believes is or will be an imminent assault while attempting to effect an arrest, or while preventing or attempting to prevent an escape; and
  - to protect a person from a credible demonstration of self-harm.
- Less Lethal Weapons will not be utilized in the following situations:
  - to attempt to gain information from a subject;
  - to punish or retaliate;
  - as a joke, prank or horseplay or;

- for purposes of demonstration, unless authorized by the Chief/Designee.

- Procedures relating to Less Lethal Weapons are referenced in other procedures including Operational Procedure [600.7 Response to Resistance](#), Operational Procedure [700.16 START Use of Less Lethal Impact Projectiles](#), and Operational Procedure [700.33 Tactical Cell Entries](#).

## TYPES OF LESS LETHAL WEAPONS

- Aerosol Subject Restraint (ASR)

- ASR's include but are not limited to Department approved OCS and will be carried by all trained uniform personnel consistent with Operational Procedure [400.4 Employee Appearance and Dress Code](#)
- Personnel will return expired canisters of OCS to the Property and Supply Unit or a Subject control Instructor for replacement
- Persons exposed to an ASR will be handled consistent with current training
- Persons exposed to an ASR will be monitored for signs of medical distress

- Impact Weapons (IW)

- Department issued flashlights may be used as an impact weapon
- Persons subjected to an impact weapon will be handled consistent with current training
- Persons subjected to an impact weapon will be monitored for signs of medical distress

- Conductive Energy Weapon (CEW)

- Only a Department-approved CEW will be utilized by personnel who have completed the Department's requisite training program
- At the beginning of each shift, officers will inspect each device, spark check for functionality, and document the CEW number on their Daily Activity Sheet
- Officers will carry the CEW in a Department approved holster worn on the support side, opposite the firearm in a support-hand draw or cross-draw position
- Officers will use the CEW in certain known environmental and physiological conditions consistent with current training and Operational Procedure [600.7 Response to Resistance](#)
- Unless it would compromise officer safety or is unreasonable due to circumstances, a verbal warning of the intended use of the CEW will precede the activation of the device in order to provide the individual with a reasonable opportunity to voluntarily comply and provide others with a warning that the CEW may be activated
- Persons subjected to the CEW will be handled consistent with current training and Operational Procedure [600.7 Response to Resistance](#).
- Persons subjected to the CEW will be monitored for signs of medical distress and transported to an area hospital as soon as reasonable.
- Application of the CEW will be discontinued once the suspect does not pose an immediate threat to themselves, Department personnel or others.
- Except in emergent circumstances, the CEW should not be used in any situation where there is a reasonably foreseeable likelihood of severe injury or death. In the extraordinary instance that Department personnel feel compelled to utilize the CEW in the following circumstances, the conduct of the involved personnel will be evaluated in accordance with 600.7, Response to Resistance policy, and sound tactical principles:
  - Persons in control of a motor vehicle, motorcycle/ATV and bicycle;
  - Handcuffed persons;
  - Persons near flammable or combustible fumes;
  - Persons near any body of water that may present a drowning risk; and
  - Persons known to have a pacemaker or known to be pregnant.

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- Each CEW discharge upon a subject, requires certain evidentiary collection and documentation in a response to resistance report consistent with current training and Operational Procedure [600.7 Response to Resistance](#)
- Officers will report all CEW discharges, including accidental discharges, to a supervisor
- Dysfunctional CEW's and accessories will be turned over to the Lead Subject Control Instructor or designee.





# Lansing Police Department Manual

Mike Yankowski, Chief of Police

## 600.7 — RESPONSE TO RESISTANCE

*Operational Procedure*

*Effective Date: 10/2017*

*Rescinds: 08/2017*

### PURPOSE

The purpose of this procedure is to guide officers in the use of reasonable force when resistance is encountered to affect a lawful arrest and accomplish the lawful performance of duty while protecting the public; to provide for officer safety; and to provide for the treatment of any injury or complaint of injury arising from a response to resistance.

### POLICY

This Department recognizes and respects sanctity of each human life. It is the policy of this Department that officers will use only force that is “objectively reasonable” as defined in [Graham v Conner 490 U.S. 386 1989](#).

### DEPARTMENT USE ONLY

This procedure is for Department use only and represents an administrative guide for officers' decision-making processes and is not a standard for civil or criminal litigation. It should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to civil suits or administrative claims. Violations of this procedure may form the basis for Departmental administrative sanctions.

### DEFINITIONS

- **Force:** Physical and communicative control tactics and weapons an officer uses to influence the actions of a subject or to protect the subject from injuring himself or others.
- **Resistance:** A subject's failure to comply with an officer's attempt to establish control.
- **Reasonable Force:** Tactics and/or techniques objectively sensible for the situation and consistent with what other reasonable officers would do in light of similar circumstances.
- **Deadly Force:** Any action (tactic/technique) which creates a substantial likelihood of causing death or serious bodily harm.
- **Non-Deadly Force:** Any action (tactic/technique) which does not create a substantial likelihood of causing death or serious bodily harm.
- **Less Lethal Weapons:** Authorized weapons that when employed are less likely to cause serious or fatal injury. Less lethal weapons are addressed in [Operational Procedure 600.60, Use of Less Lethal Weapons](#).
- **Dynamic Alternatives:** Objectively reasonable force used to defend the officer or another in situations where immediate action must be taken. These may include employment of techniques and objects not covered in Subject Control Training.
- **TASER®:** A less lethal Conducted Energy Weapon, approved by the Department that transmits electrical pulses designed to cause temporary physical debilitation.
- **Firearm:** An authorized weapon to be used in accordance with this policy and [Operational Procedure 600.6, Firearms](#).



- **Felony Stop:** An investigation of a felony offense where an officer is justified in pointing a firearm directly at a subject(s).
- **High-Risk Stop:** Situations where information is insufficient or not timely enough for officers to justify a felony stop, but officers are justified in displaying their firearm upholstered, and not pointed in the direction of anyone.

## **AUTHORIZATION FOR THE RESPONSE TO RESISTANCE**

- Officers are authorized to use reasonable force through Department approved control techniques and equipment for resolution of incidents as follows:
  - To stop potentially dangerous or unlawful behavior;
  - To protect the officer or another from injury or death;
  - To prevent subjects from injuring themselves;
  - In the process of affecting a lawful arrest when a subject offers resistance;
  - To control an arrested person who is refusing to comply with arrest, search, booking, custody, or lawful directives of the officer;
  - To prevent escape from custody.

## **RESPONSE TO RESISTANCE CONSIDERATIONS**

- Officers may gain control by means of verbal directives or commands. When these actions are not effective, or it is apparent directives or commands would be ineffective, officers may escalate force.
- Officers will assess the incident to determine a reasonable response for the encountered resistance in light of the totality of the circumstances. Factors to consider include but are not limited to:
  - Severity of the crime;
  - whether the subject is actively resisting arrest or attempting to evade by flight;
  - relative size and strength;
  - multiple subjects/officers;
  - the subject's access or perceived access to weapons;
  - subject under the influence of alcohol or drugs;
  - exceptional abilities and skills (e.g., martial arts, stance);
  - injury to, or exhaustion of the officer;
  - proximity and reaction time;
  - special knowledge about the subject;
  - ground position or
  - officer's training and experience
- Actions taken in response to resistance will not be punitive or retaliatory.
- Any officer that observes an excessive response to resistance by another officer will intervene in a reasonable manner and attempt to de-escalate the amount of force used.
- It is the responsibility of every officer that observes an excessive response to resistance to report the incident to a supervisor as soon as possible.

## **USE OF DEADLY FORCE**

- Where reasonable, officers will identify themselves and provide a warning before deadly force is applied.
- The use of deadly force applies to the following situations:

- To protect any officer from what is reasonably believed to be an imminent threat of death or serious physical injury;
  - To prevent the escape of a subject who is fleeing from a violent felony crime, and the officer has probable cause to believe that the subject poses a threat of death or serious physical injury to the officer or others.
- Officers will make all reasonable effort to move out of the path of an approaching vehicle to avoid a deadly force encounter.
  - Firearms will not be discharged at a moving or fleeing vehicle unless one of the following circumstances exist:
    - Deadly force, or the threat of deadly force, is being used against a police officer or another person by means other than the moving vehicle;
    - The driver has used or is attempting to use the vehicle as a means to cause injury or death to the officer or another person;
    - **Warning shots are prohibited.**

## **MOTOR VEHICLES AS FORCE**

- Intentional collisions, partial or complete roadblocks, or rolling roadblocks constitutes the use of deadly force.
- The use of any such methods, techniques, or actions must be reasonable in light of the circumstances.

## **FELONY & HIGH-RISK STOPS**

- Felony Stops may be conducted when officers can cite specific factors that a felony which poses a threat to the life or safety of themselves or others is being investigated. Justification is based on specific information including but not limited to the following factors:
  - Source of the information;
  - Credibility of the person providing the information;
  - Suspect's actions and demeanor;
  - Proximity of the subject to the area of the crime;
  - Time passage since the incident occurred; and
  - How close the suspect or vehicle description matches the information received.
- High-Risk Stops may be used when officers face circumstances that pose a potential threat to the life and safety of themselves and others. Elements of a high-risk stop include:
  - Subject(s) are made to stop whether on foot or in a vehicle, and
  - Officers display their weapons upholstered but not pointed in the direction of anyone.

## **SUPERVISORY RESPONSIBILITIES FOR FELONY & HIGH-RISK STOPS**

- A supervisor will respond to the scene of all felony and high-risk stops unless extenuating circumstances exist.
- If subjects involved in a felony stop or high-risk stop are released because of lack of probable cause to justify an arrest, a supervisor at the scene or an officer involved in the stop will do the following:
  - Explain the reason for the stop;
  - Offer to answer any questions regarding the nature of the stop;
  - Provide their name, badge number, and department telephone number;

- Generate a report and document above was accomplished;
- Ensure the Mobile Video Recorder (MVR) and Body Worn Camera (BWC) is preserved for evidence.

## **MEDICAL CONSIDERATIONS IN RESPONSE TO RESISTANCE**

- Officers will summon the Lansing Fire Department or transport subjects to a medical facility when any of the following occur:
  - The subject appears ill and requires medical treatment;
  - The subject presents complications while under the influence of alcohol or drugs;
  - The subject complains of injury or continued pain;
  - A TASER deployment has been used on a subject;
  - Any officer observes or suspects injury to the subject;
  - The subject does not substantially recover from the effects of any application of force consistent with current training;
  - The subject exhibits signs of unusual distress;
  - As directed by a supervisor.
- All medical treatment will be documented, along with the nature of the injury or complaint of injury in the incident report. In addition to the written description, documentation may include photographs, video, or sketch.
- Officers are required to notify an on duty supervisor of the incident.

## **REPORTING**

- Sworn and Detention personnel will complete a detailed written report whenever force is used. The two exceptions to the use of force reporting requirement are as follows:
  - When an officer applies handcuffs to a subject that is not resisting (i.e., cooperative handcuffing).
  - When an officer physically moves, controls, directs, or escorts a subject for any lawful purpose and the subject does not exhibit physical resistance.
- If a response to resistance involves a death or serious bodily injury, the officer(s) psychological and physiological state(s) of being will be given first priority at all stages of the incident. Reporting in these situations will be handled in accordance with [Operational Procedures 300.24, Outside Agency Investigations](#) and [600.39, Police Employee Involved Critical Incident](#).
- The response to resistance incident report will include sections detailing the following:
  - Complainant, victim, and witness information and statements;
  - Factors used to determine the reasonable suspicion or probable cause that existed;
  - Description of subject action encountered and techniques/actions officers used to overcome the resistance;
  - Injury to the detainee or officer(s);
  - Medical treatment of detainee or officer(s);
  - Follow-up action taken by officers;
  - Other officers involved;
  - Evidence, including weapons and photographs, MVR/BWC video if applicable;
  - When a Less Lethal Weapon has been employed; the officer discharging the device will be responsible for reporting details consistent with current training;
  - Type of restraints utilized;

- Detainee medical treatment will be reported in accordance with [Operational Procedure 700.29, Detainee Medical Evaluation and Treatment](#).
- Officers will forward each use of force report to their supervisor for review.

## **RESPONSE TO RESISTANCE REVIEW PROCESS**

- Supervisors will review the response to resistance report and any available MVR and BWC to determine whether the force used was reasonable.
  - Supervisors will ensure the circumstances of the force incident are entered into Blue Team.
  - Blue Team force reports will be forwarded to each level of the chain of command up to and including the Chief of Police/designee.
- The Division Captain will initiate the Complaint/Discipline process for any incident believed to be unreasonable.